D. Dis File 210 (4)

1939

Collection No.

Mysore Residency

D. 21

PB 26/7/47

Mas 26/7

Pros. / Serial Nos. 1 – 4 –

(K)

Subject.

Remission of Sentence — Prisoners Muniyellappa & Muniswamy District Jail, Cuddalore.

Recommendation of the Advisory Board not accepted by H.E. (See No. 2)

Previous References.

Later References.

NOTES AND PRECIS.

Dy.No.4347 S.N.1

1

Munibylappa

Please see the convict's roll at (L). The Supdt. District Jail, Cuddalore, consulted the District Magistrate, C. and M. Station, ~~who~~ and he is of the opinion that as the prisoner was convicted for an offence under the Railways Act, it would be inadvisable to release him prematurely. The Advisory Board says that "the nature of the offence does not really affect the consideration of premature release. Recommended." This proposition is questionable. The offence for which he has been convicted is a very serious one. Please see para 2 of the judgment of the Sessions Judge. Nowadays railway accidents caused by sabotage are on the increase and the nature of the offence ~~is~~ should therefore ~~of~~ be of the paramount ~~importance~~ consideration. However exemplary the conduct of the prisoner may be in the jail, this case does not appear to be one in which the recommendation of the Advisory Board should be accepted.

Munisamy

2

Please see the roll of the convict at (N). The District Magistrate, C. and M. Station and the Advisory Board have recommended the release of the prisoner. He was convicted for an offence of committing rape on a girl aged 9. The Addl.Judge in his judgment said that though it is no defence to the charge, still it was probable that the girl was a consenting party. The conduct of the prisoner ~~xxxxxxxx~~ in Jail has been exemplary.

3

Though the District Magistrate has been consulted by the jail authorities, perhaps before the Resident passes orders, he may see the file U/O.

R. Ellis 4.5.39.

ASST. ~~SECY.~~

3.5.39.

The District Magistrate, C&M Station, B'lore.
U.O.No. J. 4347-39, dated the 4th May 1939.

2

4

I must adhere to my previous recommendations which were framed in consultation with the C.P.

7.5.39

OFFICE OF THE HON'BLE THE RESIDENT IN MYSORE AT BANGALORE. 10 MAY 1939 Diary No. 4910 No.

13/5

8/5/39

1751-C-39 dated 12.6.39

(Mr. Usman Ali Khan)
Confidential
only

Please see from para 1 of notes ante.

5

Submitted for orders whether the recommendations of the District Magistrate, C & M Station, may be accepted. Subject to approval three drafts submitted ~~for approval~~.

H.T. Sorley
10/5/39

15.5.39.

16.5.39

Seen. 6.

Draft approved
9/5/39

Resident

Accordingly.

Record

A.R.

S.N. (2,344): Issued.

CORRESPONDENCE.

J.C S.N.I 11

GOVERNMENT OF MADRAS

OFFICE OF THE HON'BLE THE RESIDENT MYSORE, BANGALORE. 27 APR. 1939 Diary No. 4347 File No. D.S. 10/21

HOME DEPARTMENT

No.Ms.2284.

From

A. R. MacEwen Esq., C. I. E. M. C., I. C. S.,

Secretary to the Government of Madras,

To

The Hon'ble the Resident in Mysore,

B A N G A L O R E.

Dated, Fort St. George, the 25th April 1939.

Sir,

Prisoners - Advisory Board - District Jail, Cuddalore - Release. No.2395, Munibylappa and No.2396, Munisamy.

I am directed to forward for the orders of the Honourable the Resident in Mysore the accompanying papers relating to the convicts cited above. The copies of judgments may kindly be returned when no longer required.

I have the honour to be,

Sir,

Your most obedient servant,

for Secretary to Government

SRM.25.4.39.

(2

Judl. (Jail II) 82—2,632—25-5-34.

Roll of convict recommended for conditional release under the Intermediate sentences scheme sanctioned in G.O. No. 667, Law (General) Department, dated 26th February 1923.

1. Name of jail	District Jail, Cuddalore.
2. Convict number	2395
3. Name of convict	Munibylappa.
4. Name of village, taluk and district ..	Kodagaballi, Bangalore District.
5. Court by which the prisoner was convicted and case number.	Sessions Judge, Civil and Military Station, Bangalore S.C.No.9/35.
6. Section of the I.P.C. or other law under which convicted.	126 (a) Indian Railway Act.
7. Date of sentence	25-11-35.
8. Period of sentence	5 years R.I.
9. Date on which convict completed two-thirds of his sentence.	13-9-1938.
10. Unexpired portion of sentence on date of recommendation by the Board, including remission earned (remission granted in celebration of public events should be excluded).	11 months and 9 days.
11. Full "police" history with recommendation of the District Superintendent of Police.	He was convicted under Section 126(a) of Railway Act which is a heinous one to endanger the safety of any person travelling upon the Railway. It is not advisable to release him before time.
12. Recommendation of the District Magistrate.	It would be inadvisable to release him prematurely.
13. Remark of the Superintendent of the Jail on the conduct of the convict in prison.	Exemplary.
14. Recommendation of the Advisory Board with detailed reasons when the Board differs from the Superintendent of Police or the District Magistrate.	The nature of the offence does not really affect ~~his~~ the consideration of premature release. Recommended.

Cuddalore Dt. Jail,

Dated 4---4---- 1939.

Superintendent.

FORM No. 52.

(See Rule 879, Jail Manual.)

Judl. (Jail II)-27—7,306—1-4-37.

Nominal Roll of Male * Convict No. 2395-A, Name Munibykappa, Residence (Village, Taluk and District) Kodagaballe Bangalore Tk. Bangalore Dt. Caste Hinden-Vakkaligan, Present Age 31 years, Occupation Coolie

Section and Code under which imprisoned.	Original sentence of order and date.	Adjudicating Court and Calendar number of case.	Unexpired term of sentence after deducting remission earned. Y.	M.	D.	Present state of health and fitness to undertake a journey.‡	Result of appeal (if any).	Conduct in Jail.	Remarks.
Section 126 (a) Indian Railway Act.	5 years R.I. & 25-11-35	Sessions Judge, Civil and Military Station, Bangalore. S.C. No. 9/35.	0	11	9	I - H. I	Dismissed.	Exemplary.	Remission earned up to end of preceding month 251 days. B. Class ordinary. Rice diet. State of education C

* Strike out and add "Female" when necessary.

† After the prisoner's number, add his class A or B, according as he is classed as a Casual (and whether Star) or Habitual, respectively, and after the letter, add the number of previous convictions, thus—No. 3742 B-2.

‡ When a journey is about to be undertaken by a prisoner, the roll is to be signed by the Medical Officer.

NOTE.—Personal and descriptive marks are to be given on the reverse when (1) rolls accompany prisoners transferred, (2) police assistance is sought for the recapture of an escaped prisoner.

Bangalore Dt. - JAIL,

4 - 4 - 1939

Superintendent.

3

Punishments - Extracts from the History Ticket of Convict No.2395 Munibylappa.

Offence committed.		Punishment awarded.
5-1-39	For being in possession of a bundle of tobacco.	Fined 9 days remission.

Superintendent,
District Jail, Cuddalore.

No. 4906-C-38. Enc./

OFFICE OF THE DISTRICT MAGISTRATE,
CIVIL AND MILITARY STATION, BANGALORE.

Dated 27th December 1938.

FROM

C.F.V. Williams, Esq. I.C.S.

DISTRICT MAGISTRATE, CIVIL AND MILITARY STATION,

BANGALORE.

To

The Superintendent,
District Jail,
Cuddalore.

Rec'd 2/1/39

SIR,

Convict No.2395 Munibylappa - premature release of - Your letter No.J.R.2465 dated 16-12-1938 to the Commissioner of Police, Bangalore.

The accused was convicted under section 126(a) Railway Act, and it would be inadvisable to release him prematurely.

I enclose a copy of the police report No. 1221-G-38 dated 22-12-1938.

M. 8 2/1/39 C. no. 2395

I have the honour to be,

Sir,

Your most obedient servant,

DISTRICT MAGISTRATE.

28.12.38

RECEIPTED 29 DEC. 1938

MAB.28/12.

(6.

No.4906-C-38.

C.P.

Please furnish me with the details of the previous history of the convict and state definitely whether or not the convict can be released without injury to the community.

Sd/- M. Seethappa.

for Dt. Magistrate.

No.1221/G/38

Urgent.

Inspector D. Dn.

For early report.

Sd/-

for Commissioner of Police.

SBC

For early report.

Sd/-

Inspector D. Division.

Sir,

On 14-6-1935 a case under section 126 Railway Act was registered on the receipt of an all concerned message from Station master, Yellahanka as a dog spike was placed on each rail of M.G. and N.G. track on joints at mile 166/21 between YPR and YKN and train No.78 passed over the line and at the spot and the engine gave a jolt and jumped up. The driver then reported the matter, one Bytappa (accused) was arrested on the information of Gang maistry and a charge sheet was filed and the accused who was a shepherd residing at Kodairgahally which is close to the Railway line was sentenced to 5 years R.I. on 25-11-1935 under section 126(a) Railway Act in S.C.No.9/35. Copy of judgment in the case is attached. The village Kodaigahalli which is close to the Railway track is full of factions.

The accused was convicted under Section 126(a) Railway Act which is a henious one to endanger the safety of any person travelling upon the Railway). It is not advisable to release him before time.

Sd/

S.I. SBC.

No.1221-G-38.

Forwarded to the District Magistrate, C & M Station, Bangalore with the above police report. Itiis not advisable to release the convict before time.

Sd/- R.S. Milton

Commission of Police,
C & M Station, Bangalore.

"C o p y"

M Eechampp

Sheristadar.

28.12.38

(A)

C-No 2395

Murray Hopper

(6

Roll of convict recommended for conditional release under the Intermediate sentences scheme sanctioned in G.O.No.667 Law (General) Department, dated 26th Feb.1923.

1. Name of Jail.	District Jail, Cuddalore.
2. Convict Number.	2396
3. Name of convict.	Munisamy.
4. Name of village, taluk and District.	Budagiri, Mysore State.
5. Court by which the prisoner was convicted and case number.	Sessions Judge, Civil and Military Station, Bangalore S.C.No.10/35.
6. Section of the I.P.C. or other law under which convicted.	376 I.P.C.
7. Date of sentence.	9-12-35.
8. Period of sentence.	5 years R.I.
9. Date on which convict completed two thirds of his sentence.	29-9-1938.
10. Unexpired portion of sentence on date of recommendation by the Board, including remission earned.	1 year and 2 days.
11. Full 'Police' history with recommendation of the Dt.Superintendent of Police.	~~He could be released~~ The accused was a first offender. He may be released without injury to the community.
12. Recommendation of the District Magistrate.	He could be released without danger to the community.
13. Remark of the Superintendent of the Jail on the conduct of the convict in prison.	Exemplary.
14. Recommendation of the Advisory Board with detailed reasons when the Board differs from the --- Superintendent of Police or the District Magistrate.	Recommended.

Cuddalore Dt.Jail,
4-4-1939.

Superintendent

FORM No. 52.

(See Rule 879, Jail Manual.)

Judl. (Jail II)-37—7,396—1-4-37.

Nominal Roll of Male * Convict No. † 2396-A, Name Muniswamy, Residence (Village, Taluk and District) Badagere, Mysore State Caste Hindu-Vakkaligar, Present Age 39 years, Occupation Betel leaf - trader.

Section and Code under which imprisoned.	Original sentence of order and date.	Adjudicating Court and Calendar number of case.	Unexpired term of sentence after deducting remission earned. Y.	M.	D.	Present state of health and fitness to undertake a journey.‡	Result of appeal (if any).	Conduct in Jail.	Remarks.
376. I.P.C	5 years. R.I. d/ 9-12-35	Sessions Judge, Civil and Military Bangalore S.C. No. 10 of 35	1	0	2	I - H.	Dismissed.	Exemplary	Remission earned up to end of preceding month 242 days. B. Class ordinary Rice diet. State of education 'C'

* Strike out and add "Female" when necessary.

† After the prisoner's number, add his class A or B, according as he is classed as a Casual (and whether Star) or Habitual, respectively, and after the letter, add the number of previous convictions, thus—No. 3742 B-2.

‡ When a journey is about to be undertaken by a prisoner, the roll is to be signed by the Medical Officer.

NOTE.—Personal and descriptive marks are to be given on the reverse when (1) rolls accompany prisoners transferred, (2) police assistance is sought for the recapture of an escaped prisoner.

Central Jail,
4 — 4 — 1939

Superintendent.

No4907-C-38. Enc./

OFFICE OF THE DISTRICT MAGISTRATE,
CIVIL AND MILITARY STATION, BANGALORE.

Dated 27th December 1938.

FROM

C.F.V. Williams, Esq. I.C.S.,

DISTRICT MAGISTRATE; CIVIL AND MILITARY STATION,

BANGALORE.

To

The Superintendent,
District Jail,
Cuddalore.

SIR,

Convict No.2396 Munisamy - premature release of -
Your letter No.J.R.2467 dated 16-12-1938 to the
Commissioner of Police.

The convict in question is a first offender and could be released without danger to the community.

I enclose for information a copy of the police report No.1214/G/38 dated 22-12-1938.

I have the honour to be,

Sir,

Your most obedient servant,

DISTRICT MAGISTRATE.

MAB.26/12.

(12

No.1214/G/38
Enc.2

Sir,

A similar letter was received from the Superintendent District Jail Cuddalore and sent to C. Inspector for report.

This file also may be sent to C. for report definitely whether or not the convict can be released without injury to the community together with the full history of the convict.

Inspector C. for report.

Sd/-

for Commissioner of Police.

To C-2

vide attached similar letter.

Id/- C.R.
22/12/38.

Sir,

One Munsawmy son of Kempanna aged about 35 years (in 1935) of Budigere village, working as a cooly in the brick kilns in Domalur, committed rape on a minor girl in Agaram maidan on 20-9-1935 at about 11-30 a.m.

On 9-12-35 he was convicted under section 376 I.P.C. and sentenced to suffer five years R.I. by the Sessions Judge.

I investigated the above case Cr.No.105/35. The accused was a first offender then.

He may now be released without injury to the community.

Sd/- T.A. Mohan.
S.I. C-3
22-12-1938.

No.1214/G/38 Enc.2

Returned to the District Magistrate, C & M Station, Bangalore with the police report dated 22-12-1938. The convict may be released without injury to the community.

Sd. R.S. Milton.
Commissioner of Police,
C & M Station, Bangalore.

P.T.O

"C o p y"

M Beerbuffer

Sheristadar.

28.12.38

C No. 2396
Mumbai

Sent 2

(1)

3 drafts

Issued 27/5/39 Draft I

Issue 22/5

D.Dis.No.F.210-39/Judl.Eric(2)

Dated 27th May 39

From

The Secretary to the Resident.

To

The Secretary to the Government of Madras, Home Department.

Remission of sentence - Munibylappa No.2395, District Jail, Cuddalore.

Sir,

I am directed to refer to your letter No.Ms.2284, dated the 25th April 1939. The Hon'ble the Resident ~~has ordered that the petition be rejected~~ regrets that he cannot accept the recommendation of the Advisory Board that the prisoner may be released. The copies of judgments relating to this case are returned.

2. A separate communication is being sent in regard to the release of convict No.2396, Munisamy.

I have etc.,

(Sd) A.J. Courtney,

Secretary to the Resident.

Sdv.1/Pue

15.5.39.

15.5.39

Copy to the District Magistrate & C. and M. Station, Bangalore.

(14

3 drafts
Issue.
22/5
Final Draft
27/5/39
TB.

8N-1/DUC.

PROCEEDINGS OF THE HON'BLE THE RESIDENT IN MYSORE

D.Dis.No.F.210-39/Judl.

Dated 27th May 39

Read:-

Letter from the Government of Madras, Home Department, No.Ms. 2284, dated the 25th April 1939.

O R D E R.

In exercise of the powers conferred by section 401 of the Code of Criminal Procedure, 1898 (V of 1898), as applied to the Civil and Military Station of Bangalore, the Hon'ble the Resident is pleased to remit the unexpired portion of the sentence passed on convict Munisamy No.2396 of the District Jail, Cuddalore, ~~Munisamy,~~ by the Sessions Judge, Civil and Military Station, Bangalore, in Sessions Case No. 10 of 1935 on his file.

(Sd) A.J. Courtney.

Secretary to the Resident.

Copy to

(3) The Sessions Judge, Civil and Military Station, Bangalore, ~~for information.~~

(1) ~~(2)~~ the Secretary to the Government of Madras, Home Department, (with c.l.) (with 2 spare copies)

(2) The District Magistrate, B. and M. Station, Bangalore.

fr
15.5.39. KC
15.5.39

(15

Issued 27/5/39 To.. 3 Drafts Draft Cir

Issue 22/5

D.Dis.No.F.210-39/Judl. Encl (5).

Dated 27th May 39

From

The Secretary to the Resident.

To

The Secretary to the Government of Madras, Home Department.

Remission of sentence - Munisamy No.2396, District Jail, Cuddalore

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Sir,

Gov. I/PUC

I am directed to refer to your letter No.Ms.2284, dated the 25th April 1939. A copy of the Hon'ble the Resident's Proceedings No. Mis 210-39 Judl. dated 27th May ordering the remission of the unexpired portion of the sentence passed on convict No.2396 Munisamy, by the Sessions Judge, C & M Station, Bangalore, is enclosed.

2. The Copies of judgments relating to ~~this~~ the case ~~received with your letter~~ are returned.

I have etc.,

(Sd) A.J. Courtney.

Secretary to the Resident.

15.5.39

15.5.39